IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12868 of 1995

Between:

Chunchu Krishnaiah S/o.late Pedda Venkaiah
Purushothapatnam Bhadrachalam Mandal
Khammam District.

..... PETITIONER

AND

1 The District Collector
Khammam, Khammam District.
2 The Revenue Divisional Officer Bhadrachalam
Khammam District.
3 The Mandal Revenue Officer Bhadrachalam Mandalam
Khammam District.
4 The Sub Inspector of Police Bhadrachalam
Khammam District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of certiorari calling for the records connected with the notice issued by 3rd respondent under Sec.6 of the A.P. Land Encroachment Act 1905, Dt.6/6/1995 and quash the same and pass such other order.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Heard Sri K.Manikyala Rao, the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue on behalf of the respondents.

The petitioner herein, claiming to be the patta holder and having purchased the land in question, filed this writ petition, *inter alia,* challenging the impugned notice dated 06.06.1995 issued under Section 6 of the A.P. Land Encroachment Act 1905.

Admittedly, the petitioner was issued notice under Section 7 of the said Act earlier but no explanation has been filed. Therefore, the present impugned notice has been issued.

Though the petitioner is sought to raise several contentions on merits even in regard to the title etc., the fact remains that as against the said proceedings, a regular remedy of appeal is provided under Section 10 of the Act. In view of the same, the very writ petition itself is not maintainable and further this Court could not possibly go into the several aspects, which touch upon so many facts.

The writ petition is dismissed with liberty to the petitioner to avail the remedy of

appeal within a period of six weeks from today and on receipt thereof, the same shall be disposed of on merits in accordance with law after giving notice and opportunity to both the sides. It is needless to mention that till the disposal of the appeal, the petitioner's possession shall not be disturbed. However, in case, the petitioner does not file appeal, these orders would not remain.

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B. PRAKASH RAO, J

17th February 2005.

Chvn.

ASSISTANT REGISTRAR

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